

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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KARL JULIUS JAMES,

Plaintiff,

v.

MICHAEL THURMER,

Defendant.

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ORDER

08-cv-568-bbc

In an order dated March 17, 2009 the Court of Appeals for the Seventh Circuit concluded that plaintiff does not qualify for leave to proceed in forma pauperis under 28 U.S.C. § 1915(g) and ordered him to pay within fourteen days the fee for filing his appeal of this case. After plaintiff failed to pay the filing fee within the deadline established by the court of appeals, an order was entered dismissing plaintiff's appeal and directing him to pay the overdue filing fees. Plaintiff has not paid the \$455 fee he was ordered to pay. This court's financial records show that he has paid \$95.54 toward his fee for filing this action and his appeal. Now before the court is a letter from plaintiff that I construe as a motion for refund of the amount he has paid towards his filing fees.

In his motion, plaintiff appears to believe that the notice of issuance of mandate, sent with the court of appeal's final order, relieves him of his obligation to pay his filing fees in this case. He says that the "notice of mandate order[s] no cost in this matter so I expect the return of over \$100 . . . ." Plaintiff is correct that the court of appeals did not award costs in this matter. However, plaintiff must pay the \$455 fee he incurred for filing the notice of appeal. In addition, he remains obligated to pay the \$350 fee for filing his complaint in this case. Plaintiff's motion for a refund of the amounts he has paid toward his filing fees will be denied.

Pursuant to plaintiff's request, copies of the documents he requested are enclosed with his copy of this order.

ORDER

IT IS ORDERED that plaintiff's motion to refund money paid towards his filing fees, dkt. #29, is DENIED.

Entered this 12<sup>th</sup> day of June, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge